

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4617 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AESCULAPIUS REMIDIES LTD

Versus

GIDC

Appearance:

NANAVATI ASSOCIATES for Petitioners
SERVED BY DS for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE M.S.SHAH

Date of decision: 27/01/97

ORAL JUDGEMENT

Rule. Learned Advocate Mr. N.V. Anjaraia for respondent No.1, learned A.G.P. Mr. M.R. Rawal for respondent No.2 and learned Advocate Mr. Trivedi for respondent No.3, waives service of rule.

2. In view of Annexure 'A' to the petition, there is a consensus between the parties that the unit is not required to pay the charges as demanded because it is a non-polluting industry, since the unit manufactures tablets by formulation method. The said item is covered by Sl. No. 58 of the notification at Annexure 'A'. Mr. Trivedi fairly stated that the unit ought not to have been called upon to make the payment, as per Annexure 'B'.

3. After hearing the learned Advocates, we are of the view that the petition is required to be allowed. The petition stands allowed. Demand Notice at Annexure 'B' is quashed and set aside. Rule made absolute. No order as to costs.

csm./ -----